



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: John H. Kashou, *et al.*

Art Unit: 1761

Serial No. 10/006,084

Examiner: Weinstein

Filed: December 06, 2001

For: PRE-OPENED POCKET BREAD

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**DECLARATION PURSUANT TO 37 CFR §1.132**

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Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I, George Kashou, hereby declare that:

1. I am one of the applicants of the above-identified U.S. Patent application and am submitting this Declaration to establish the commercial success of the invention claimed in this patent application.
2. I am a co-founder and Vice-President of Sales and Marketing of Kangaroo Brands, Inc., which the owner of the subject patent application. My sales duties include calling on retail grocery chain and food service operators. My marketing duties include consumer research, packaging design, new product development, marketing programs, advertising and public relations.
3. Kangaroo Brands has been distributing pocket pita breads to the retail grocery stores in approximately 40 states for the past 15 years.
4. There are two types of pita bread: a flat Greek style pita without a pocket and a pocket pita with two outer layers that can be separated to form a pocket. Both types are conventionally sold stacked flat in generally transparent packages. However, the packages

were relatively similar in appearance and consumers found it difficult to distinguish between packages of the two types of bread in a store.

5. A common criticism that my company received from consumers was that the layers of the flat pocket pita bread stick together and are difficult to open without tearing.

6. In response to these comments, we developed the invention claimed in our patent application in which the pieces of pita bread are cut, the pocket opened and several pieces nested one inside another.

7. In the third quarter of 2001, Kangaroo Brands introduced those pre-opened pocket breads into retail grocery stores. This product is packaged with several pieces of pocket bread nested one inside another. Since then this product has been authorized for sale by approximately 80 retail grocery chains and is sold in over 5,000 grocery stores throughout the United States.

8. The pre-opened pocket breads have been extremely well received by consumers because they do not have to open the pocket and thus much of the tearing potential has been eliminated.

9. The pre-opened pocket breads also have been purchased by restaurants because of the ease of use due to the nested, pre-opened packaging.

10. The following are Kangaroo Brands sales figures for flat packaged pocket bread and open-nested packaged pocket bread in terms of numbers of cases sold:

#### **CASE SALES**

ITEM	2001	2002	10 Months of 2003	Total 2003
Flat Packaged Pockets	374,538	429,754	394,969	467,000
Open-Nested Pockets	1,554*	65,582	164,236	205,000
TOTALS:	376,092	495,336	559,205	672,000

YEAR TO YEAR GROWTH	2002	Projected 2003
Flat Packaged Pockets	14.7%	8.7%
Open-Nested Pockets	*	212.6%

\* Product introduced in third quarter 2001

11. Although it has been marketed for only two years, pre-opened pocket bread is the second highest volume selling item in Kangaroo Brand's total product mix, which consists of approximately 25 different items. This is significant, as the other items have had established distribution for 15-25 years. This product has been the most successful new product introduced in the history of Kangaroo Brands and its success is directly attributed to the pieces of bread being packaged in a pre-opened state for ease of use by the consumer.

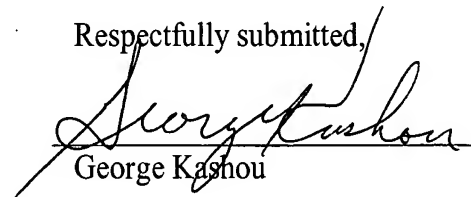
12. This sales volume is particularly remarkable because pre-opened pocket bread sells at a price that is approximately 40% more than a package of the same quantity of flat packed pocket bread.

13. At the 2002 Dairy-Deli-Bake Seminar & Expo held by the International Dairy Deli Bakery Association, Kangaroo Brands' pre-opened pocket bread won the "Best Of Show" among approximately 200 new product entries from major United States food manufacturers.

14. Kangaroo Brands has received hundreds of unsolicited consumer comments via email and letters praising the invention and introduction of pre-opened pocket bread. A few samples of such communications are attached hereto.

Dated: 12-1-03

Respectfully submitted,

  
George Kashou

## **Salem Kashou - Kangaroo Brands, Inc.**

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**From:** ten2win@charter.net  
**Sent:** Wednesday, April 16, 2003 2:51 PM  
**To:** salem@kangarobrand.com  
**Subject:** Website Customer Response

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

First Name: Pauline  
Last Name: Smith  
Street: 7521 Anthony Street  
City: Whitehall  
State: mi  
Zip-Code: 49461  
Email Address: ten2win@charter.net  
Comments: Great item; no more fighting to open a pita bread! Thanks.  
Learn via: Package  
Send Me Email:

**Salem Kashou - Kangaroo Brands, Inc.**

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**From:** oranghutan5@aol.com  
**Sent:** Tuesday, July 30, 2002 11:42 AM  
**To:** salem@kangarobrand.com  
**Subject:** Website Customer Response

First Name: Diane  
Last Name: Clarke  
Street: 3934 Clairmont St.  
City: Flint  
State: mi

Zip-Code: 48532

Email Address: oranghutan5@aol.com

Comments: I found your product in New York and fell in love with the preopened pockets.  
Where can I find your products in Michigan? I have tried your store locator but have  
gotten no where.

Learn via: Package

Send Me Email:

**Salem Kashou - Kangaroo Brands, Inc.**

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**From:** jschalte@accn.org  
**Sent:** Tuesday, August 12, 2003 1:36 PM  
**To:** salem@kangaroobrand.com  
**Subject:** Website Customer Response

First Name: Barbara  
Last Name: Schalte  
Street: 2745 136th Ave. SP 12  
City: Hopkins  
State: mi  
Zip-Code: 49328  
Email Address: jschalte@accn.org  
Comments: Just love your Pre-Opened Pocket Bread.  
Learn via: Package  
Send Me Email: yes

## Salem Kashou - Kangaroo Brands, Inc.

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**From:** sobe\_mason@hotmail.com  
**Sent:** Wednesday, July 30, 2003 9:13 PM  
**To:** salem@kangaroobrand.com  
**Subject:** Website Customer Response

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

First Name: Samantha

Last Name: Hansen

Street: P o box 88

City: leggett

State: tx

Zip-Code: 77350

Email Address: sobe\_mason@hotmail.com

Comments: You make the best Pita bread I have ever tasted and its Fat free and me and my family are all healthy eaters And they way they are already opened helps out when you are in a hurry, thank you so much for makin a great product, if you have a mailing list or send out coupons please send me some thank you and have a great day, Thanks again, Samantha

Learn via: Other

Send Me Email:



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## DECLARATION PURSUANT TO 37 CFR §1.132

Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I, Allison Brooks, hereby declare that:

1. I own and operate two restaurants and a catering service in Nashville, Tennessee. These operations serve pocket bread sandwiches.

2. In the past, my establishments used many different brands of traditional pocket breads that came packaged in a flat form with one piece on top of the other. My employees found it difficult to work with these breads because they tore easily resulting in excessive waste. Therefore, it was relatively time consuming to properly handle the traditional flat packed pocket breads.

3. I recently discovered Kangaroo Brands pre-opened pocket breads which are packaged pre-opened, one piece nested inside the another and started using them in my establishments. My employees and I have found them easy to work with. Because the product comes packaged in a pre-opened form, our preparation time and waste are greatly reduced as compared with traditional flat packaged pocket bread.



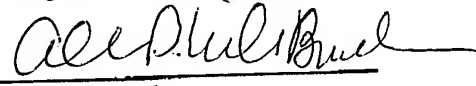
4. Although the pre-opened pocket breads cost more than the traditional flat packed version, the convenience, preparation time savings, and the higher yield from this product make the pre-opened pocket bread very cost effective and preferable to traditional flat packed pocket bread.

5. I have not and will not be receiving any compensation for providing this declaration, and I attest that all the statements made herein are true and accurate as stated.

Dated: \_\_\_\_\_

12-1-03

Respectfully submitted,



Allison Brooks

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**DECLARATION PURSUANT TO 37 CFR §1.132**

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Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I, Phillip D. Gass, hereby declare that:

1. I am director of Deli/Bakery Operations for K-VAT Food Stores, Inc. located in Abingdon, Virginia, which operates 85 retail grocery stores in Kentucky, Virginia and Tennessee.

2. I have been in the retail grocery business for the past 30 years, holding similar positions with other major retail grocery chains throughout the country.

3. One of the products I purchase, for resale in the deli/bakery departments of my stores, is pocket pita bread. I am quite familiar with this product category, as one of my duties is to evaluate various pocket breads to determine which brands to carry.

4. An inherent problem with conventional pocket breads is tearing that occurs when the consumer separates the layers to open the pocket. Although some brands are better than others in this regard, the problem still exists with all pocket breads that are packaged flat, unopened with one piece on top of the other.

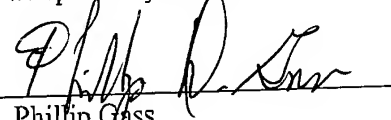
5. It is difficult for consumers to distinguish the flat breads that do not have a pocket from a pocket bread, as both kinds appear similar in the package.

6. I am aware of the new pre-opened pocket bread that is offered by Kangaroo Brands, Inc. in which the pieces are packaged nested one inside another. In my opinion, this is the best product innovation I have seen in the pita bread category. Not only is the pre-opened, nested pocket bread easy to distinguish from non-pocket bread in the stores, the new product is easier to use. As a retail buyer, I recognize this pre-opened feature as a significant benefit to the consumer, and as such, I have authorized it for sale in all the retail grocery stores in my chain.

7. I have not and will not be receiving any compensation for providing this declaration, and I attest that all the statements made herein are true and accurate as stated.

Dated: 12/1/03

Respectfully submitted,

  
Phillip Gass